

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, August 24, 2009 at 7:00 p.m.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
CONSENT AGENDA	Belt and Branigan moved and seconded the approval of the consent agenda. Unanimous.
PUBLIC HEARINGS Resolution 09-234	Held Public Hearing regarding Resolution 09-234, Belt and Walsh moved and seconded closing the Public Hearing regarding Resolution 09-234, deferring action on Resolution 09-234 to Item 8H, to approve the assessment of costs for securing certain buildings within the City of Council Bluffs. Unanimous.
Resolution 09-250	Held Public Hearing regarding Resolution 09-250, approving the Plans, Specifications, Form of Contract and Cost Estimate for the East 29 th Avenue Sewer Extension Project. Belt and Branigan moved and seconded approval of Resolution 09-250. Unanimous.
ORDINANCE ON FIRST READING Ordinance 6042	Branigan and Belt moved and seconded approval of Ordinance 6042, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located at North 17 th Street and Avenue C, from C-2/Commercial to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.15 and 15.10 and setting a Public Hearing for September 14, 2009 at 7:00 p.m. Heard from Donald Jones, 19332 Old Lincoln Highway. Unanimous.
ORDINANCES ON SECOND READING Ordinance 6041	Belt and Walsh moved and seconded approval of Ordinance 6041, amending Chapter 4.21 "Urban Deer Management Program" by amending Section 4.21.020 "Hunting regulations", to include areas designated as R1, R2 and R3, on private property totaling three (3) acres or more; and by enacting a new Section 4.21.025 "Feeding prohibited". Walsh indicated safety regulations are built into the Ordinance, allowing hunting from tree stands only, two hunters per park between the hours of 6:00 a.m. to 8:00 a.m. Voice Vote: 4 Ayes; 1 Nay (Bates). Belt and Walsh moved and seconded, waiving third reading of Ordinance 6041. Voice Vote: 4 Ayes; 1 Nay (Bates).
ORDINANCE ON THIRD READING Ordinance 6036	Bates and Walsh moved and seconded approval of Ordinance 6036, amending Chapter 9.16 "Signs and Signals" by amending Section 9.16.055 "Automated Red Light Enforcement" to amend the fine to the current schedule fine, including all surcharges and costs, as set by the Iowa Code. Voice Vote: 3 Ayes; 2 Nays (Belt/Schultz).
Ordinance 6037	Belt and Walsh moved and seconded approval of Ordinance 6037, amending Ordinance Nos. 5766 and 5859, providing that general property taxes levied and collected each year on all property located within the Amended Playland Park Urban Renewal Project Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District and other Taxing Districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Amended Playland Park Urban Renewal Redevelopment Project including the Urban Renewal Transcript and County Recorder's Certificates. Unanimous.

RECORD OF PROCEEDINGS

- Ordinance 6038 Belt and Bates moved and seconded approval of Ordinance 6038, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property located at 3506 2nd Avenue and 3510 2nd Avenue from C-2/Commercial to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.15 and 15.10. Walsh and Bates moved and seconded to amend the zoning change to eliminate the address of 3510 2nd Avenue, the current property owner has been inaccessible and originally purchased the property zoned as commercial. Belt noted this piece of ground is zoned commercial with a single-family residential house on it and is not in favor of the amendment. Voice Vote: 2 Ayes; 3 Nays (Belt, Branigan, Schultz); amendment does not pass. Voice Vote on original Ordinance. 3 Ayes; 2 Nays (Bates/Walsh).
- Ordinance 6039 Belt and Walsh moved and seconded approval of Ordinance 6039, amending Chapter 15.03 "Definitions" by amending 15.03.271 "Family Home". Unanimous.
- Ordinance 6040 Bates and Branigan moved and second approval of Ordinance 6040 (revised), amending Chapter 3.08 "Beer and Liquor Control" by amending Section 3.08.045 "Exceptions to Section 3.08.040(5)", to include areas zoned as C-3, and to allow amplified music between the hours of 7:00 a.m. and 10:00 p.m., with restrictions. Belt and Bates moved and seconded to amend Ordinance 6040 to include; if any outdoor dining facility is cited for violating Chapter 4.50 three (3) times in a twelve (12) month period that ultimately result in three (3) convictions, the service of alcoholic beverages in such area shall be suspended for a twelve (12) month period. Voice Vote: 4 Ayes; 1 Nay (Schultz). Voice Vote on Ordinance as amended: 4 Ayes; 1 Nay (Schultz).
- Resolution 09-251 Belt and Branigan moved and seconded approval of Resolution 09-251, authorizing the Mayor and City Clerk to execute a cooperative agreement, No. 2009-6-185 with the Iowa Department of Transportation and Iowa West Foundation for the US 6 Broadway Viaduct Replacement Project. Bates and Branigan moved and seconded, making an amendment to the agreement as follows: Section 25, delete the word "City" and insert "Foundation" to read "The Foundation shall be responsible for all energy and maintenance costs for the lighting of the Sculpture so long as the Sculpture is installed on the viaduct; Section 33: insert into the second sentence "pursuant to the term of this Agreement" to read "The City shall accept ownership of the lighting units and responsibility for future energy and maintenance costs for lighting the viaduct pursuant to the terms of this Agreement"; Section 44, revise the \$1,000,000 amount to \$2,000,000. Insert into the first sentence "and with the City and DOT named as additional insured". The first sentence should read "At all times while the Sculpture is publicly displayed on the viaduct pursuant to this Agreement, the Foundation agrees to maintain a policy or policies of commercial general liability insurance, with coverage limits of at least \$2,000,000, combined single limit for bodily injury and property damage, with the City and DOT named as additional insured, covering the Sculpture. Bates mentioned the art pieces within the City of Council Bluffs have been purchased by the Iowa West Foundation. Unanimous. Vote on Resolution as amended. Unanimous.
- Resolution 09-252 Branigan and Belt moved and seconded approval of Resolution 09-252, authorizing the acquisition of property from Edwin and Kathryn Baker as part of the Mid-City Corridor Project. Unanimous.
- Resolution 09-253 Belt and Walsh moved and seconded approval of Resolution 09-253, granting preliminary plan approval for a nine-lot residential cluster subdivision (with one out lot) to be known as Glen Park Town Homes. Heard from Douglas Tweedt, 20659 McPherson Avenue. Unanimous.

RECORD OF PROCEEDINGS

Resolution 09-254	Belt and Bates moved and seconded approval of Resolution 09-254, of the City Council of the City of Council Bluffs, authorizing a joint application to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and John Dalton for Enterprise Zone Benefits. Unanimous.
Resolution 09-255	Belt and Bates moved and seconded approval Resolution 09-255, of the City Council of the City of Council Bluffs, authorizing submission of Amendment #1 to Enterprise Zone Agreement 07-HEZ-020 to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and Key Development LLC for Enterprise Zone Benefits. Unanimous.
Resolution 09-256	Belt and Bates moved and seconded approval of Resolution 09-256, of the City's intent to initiate condemnation proceedings to acquire property generally described as 1028 Creek Top Street. Unanimous.
Resolution 09-257	Belt and Walsh moved and seconded approval Resolution 09-257, of the City's intent to initiate condemnation proceedings to acquire property generally described as 4 North 12 th Street. Heard from Ralph Lewis, 19937 Beverly Manor Lane. Unanimous.
Resolution 09-258	Branigan and Belt moved and seconded approval of Resolution 09-258, to establish and authorize an Administrative Fee for the Abatement of Nuisances, as set forth in Chapter 8.54. Unanimous. Belt and Branigan moved and seconded approval of Resolution 09-234 (Item 4A), approving the assessment of costs for securing certain buildings within the City of Council Bluffs, Iowa. Unanimous.
Resolution 09-259	Belt and Branigan moved and seconded approval of Resolution 09-259, authorizing the Mayor and City Clerk to execute an agreement with C. T. Hansen and Sons, in connection with the Bass Pro Shop Exterior Painting Project. Unanimous.
Resolution 09-260	Branigan and Belt moved and seconded approval of Resolution 09-260, authorizing the Mayor and City Clerk to execute an agreement with Prairie Construction, for the Council Bluffs Public Library Teen Center Renovation Project. Unanimous.
Resolution 09-261	Belt and Branigan moved and seconded approval of Resolution 09-261, City's intent to initiate condemnation proceedings to acquire property generally described as part of Lots 1, 2 and 3 in the SW ¼ NE ¼ part of Lot 1 in the SW ¼ NW ¼ and part of Lots 2 and 5 in the NW ¼ NE ¼ all in Section 32, Township 75, Range 43, lying northwest of Mosquito Creek, Council Bluffs, Pottawattamie County, Iowa, and setting a Public Hearing for September 28, 2009 at 7:00 p.m. Unanimous.
Resolution 09-262	Belt and Bates moved and seconded approval of Resolution 09-262, City's intent to initiate condemnation proceedings to acquire property generally described as parts of Lot 3, SE ¼ SW ¼, Lot 5 SW ¼ SW ¼ and Lot 6 NE ¼ SW ¼, all in Section 32, Township 75, Range 43, Council Bluffs, Pottawattamie County, Iowa, and setting a Public Hearing for September 28, 2009 at 7:00 p.m. Bates noted this acquisition of land is for the expansion of Valley View Park. Unanimous.
MAYOR'S APPOINTMENTS	Branigan and Belt moved and concurred with the Mayor's recommendation to appoint Linda Rhatigan to the Civil Rights Commission, term expiring August 1, 2012. Unanimous.
RECEIVE & FILE ITEMS	Belt and Walsh moved and seconded approval of Receive & File Item 10A – 10D. A. Two (2) Notices of Claim; B. Cash Balance Statement, July 31, 2009; C. List of Bills, July 31, 2009; D. Pottawattamie County Assessor – (13) Notices to Taxing Districts. Unanimous.

RECORD OF PROCEEDINGS

APPLICATIONS FOR PERMITS & CANCELLATIONS

Belt and Branigan moved and seconded approval of the Liquor License Renewal Applications for Item 11A (1-7) & (9-20). Unanimous. Belt and Walsh moved and seconded approval of Item 11A (8). Unanimous. Belt and Branigan moved and seconded the approval of One (1) Cigarette Permit Application for Bottoms Up Lounge, 2800 Twin City Drive. Unanimous.

Heard from Kim Moore, 2409 Avenue B, regarding the Metro Area Transit bus schedule.

ADJOURNMENT

Belt and Branigan moved and seconded adjournment at 7:40 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk